

HB 1336 - H AMD 243

By Representative Holy

1 On page 1, beginning on line 20, after "check." strike all
2 material through "registration" on page 2, line 2 and insert "~~((The~~
3 ~~director may require that fingerprint cards of licensees be~~
4 ~~periodically reprocessed to identify criminal convictions subsequent~~
5 ~~to registration.))"~~"

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7 On page 2, line 9, after "~~employer))"~~ insert "Washington state
8 patrol may retain fingerprints submitted in accordance with this
9 section and shall notify the department of any change in criminal
10 history record information that is identified against the retained
11 fingerprints if the employer has enrolled the security guard licensed
12 under this chapter in the rap back service with the Washington state
13 patrol. The department must notify license applicants that if their
14 employer is enrolled in the rap back service under this subsection:

15 (a) The applicant's fingerprints may be retained by the Washington
16 state patrol for the period of time that the individual is licensed as
17 a security guard;

18 (b) Arrests and unsolved crime files may be searched against the
19 applicant's retained prints; and

20 (c) Notifications of any changes to the applicant's criminal
21 history record information shall be made to the department.

22 (4) Employers shall conduct subsequent background checks on
23 security guards licensed under this chapter beginning no later than
24 the licensee's renewal in the year 2018, by either:

25 (a) Conducting a name and date of birth background check through
26 the Washington state patrol, or another service approved by the

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1 director, at least every two years during the period of employment for
2 each licensed security guard; or

3 (b) Enrolling in the rap back service provided by the Washington
4 state patrol for the period of time that the licensed security guard
5 is employed.

6 (i) The employer shall submit fingerprint cards, if previous
7 fingerprints were submitted prior to the effective date of this
8 section, for the purpose of a state and federal fingerprint based
9 background check and subsequent background checks to be conducted
10 under this subsection (4)(b).

11 (ii) The Washington state patrol shall ensure that arrest
12 information is provided only to the department and may allow a search
13 by criminal justice agencies of unsolved crime files against
14 fingerprints submitted for purposes of this section.

15 (c) The department shall notify the Washington state patrol when
16 the license of a security guard has not been renewed or has been
17 revoked, and the Washington state patrol must ensure that the
18 fingerprints of the individual are destroyed and are no longer
19 retained by the Washington state patrol.

20 (d)(i) The licensee or the employer, as applicable, shall:

21 (A) Pay a fee amount equal to that in effect on January 1, 2015 to
22 the Washington state patrol for name and date of birth background
23 checks of the licensee; or

24 (B) Notify the department of a change in the licensee's criminal
25 history record information.

26 (ii) The fees for subsequent background checks required under this
27 subsection(d) are separate from any license application fees and shall
28 be paid by the employer at the rates in effect on January 1, 2015.
29 Beginning January 1, 2021, the Washington state patrol may increase
30 the fee or fees to an amount that will cover as nearly as practicable
31 the direct and indirect costs to the Washington state patrol of
32 implementing this subsection (d).

33 (e) The"

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1 On page 2, line 36, after "Pay" strike all material through
2 "application" and insert ", for each application, the required
3 nonrefundable fee (~~((for each application))~~) in the amount in effect on
4 January 1, 2015. Beginning January 1, 2021, the department may
5 increase the fee or fees to an amount that will cover as nearly as
6 practicable the direct and indirect costs to the department of
7 implementing this section"

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EFFECT: (1) Authorizes the Washington State Patrol (WSP) to retain the fingerprints of an applicant for a security guard license and requires the WSP to notify the Department of Licensing (DOL) regarding any change in criminal history if the employer has enrolled a licensed security guard in the "rap back service," which provides automatic notification of new criminal events.

(2) Requires the DOL to notify applicants for a security guard license that if their employer is enrolled in the rap back service: (a) the applicant's fingerprints may be retained by the WSP during the time they are licensed as a security guard; (b) arrests and unsolved crime files may be searched against the applicant's fingerprints; and (c) notifications of changes to the applicant's criminal history record must be made to the DOL.

(3) Requires employers to conduct subsequent background checks, at least every two years while the licensee is employed, beginning no later than a licensee's 2018 renewal date.

(4) Requires the DOL to notify the WSP when the license of a security guard is not renewed or has been revoked, after which the WSP must ensure that the fingerprints of the individual are destroyed.

(5) Requires the fees for security guard license applications and subsequent background checks to remain at the amount charged as of January 1, 2015, and permits fee increases beginning January 1, 2021 in an amount that will cover the direct and indirect costs of implementing the provisions of this act.

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